

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DONALD PORTER, Derivatively and)
On Behalf of GMX Resources, Inc.,)

Plaintiff,)

vs.)

1) KEN L. KENWORTHY, JR.,)

2) MICHAEL J. ROHLEDER,)

3) JAMES A. MERRILL,)

4) KEN L. KENWORTHY, SR.,)

5) T.J. BOISMIER,)

6) STEVEN CRAIG, and)

7) JON W. MCHUGH,)

Defendants.)

8) GMX RESOURCES INC.,)

Nominal Defendant.)

Case 5:11-cv-890-D

NOTICE OF BANKRUPTCY FILING OF GMX RESOURCES, INC.

PLEASE TAKE NOTICE THAT on April 1, 2013, Defendant, GMX Resources, Inc. (the “Debtor”), a Defendant in the above-captioned case, filed a Voluntary Petition under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Western District of Oklahoma, Case No. 13-11456.

PLEASE TAKE FURTHER NOTICE THAT as of April 1, 2013, and pursuant to 11 U.S.C. § 362, all persons and entities are automatically stayed from commencing or continuing legal proceedings against the Debtor or attempting to collect any debt owed by the Debtor. Any deliberate or willful action taken in violation of the stay may be

subject to actual and punitive damages, plus costs and attorneys' fees under 11 U.S.C. § 362(k).

DATED: April 12, 2013.

Respectfully submitted,

s/Mack J. Morgan III

MACK J. MORGAN III, OBA #6397
WILLIAM H. HOCH III, OBA #15788
CROWE & DUNLEVY
A Professional Corporation
20 North Broadway Ave., Suite 1800
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-7700
Facsimile: (405) 239-6651
mack.morgan@crowedunlevy.com
will.hoch@crowedunlevy.com

-AND-

KENNETH P. HELD (admitted *pro hac vice*)
RONALD L. ORAN (admitted *pro hac vice*)
VINSON & ELKINS LLP
1001 Fannin Street, Suite 2500
Houston, Texas 77002
Telephone: (713) 758-2222
Facsimile: (713) 615-5219
kheld@velaw.com
roran@velaw.com

***Attorneys for Defendants Ken L. Kenworthy, Jr.,
Michael J. Rohleder, James A. Merrill, Ken L.
Kenworthy, Sr., T.J. Boismier, Steven Craig, and
Jon W. McHugh***

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April 2013 I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing which forwards a copy to Plaintiffs' counsel, an ECF registrant:

Darren B. Derryberry
DERRYBERRY & NAIFEH, LLP-OKC
4800 N. Lincoln Blvd.
Oklahoma City, OK 73105-3300
(405) 528-6569
405-528-6462 (fax)
dderryberry@derryberrylaw.com

Ashley R. Palmer
ROBBINS UMEDA, LLP
600 B. Street, Suite 1900
San Diego, CA 62101
619-525-3990
619-525-3991 (fax)
notice@robbinsumeda.com

Kevin A. Seely
ROBBINS UMEDA LLP
600 B. Street, Suite 1900
San Diego, CA 62101
619-525-3990
619-525-3991 (fax)
notice@robbinsumeda.com

Attorneys for Plaintiff Donald Porter

Warren F. Bickford, IV
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS-OKC
100 N. Broadway Ave, Suite 1700
Oklahoma City, OK 73102-8820
405-232-0621
405-232-9659 (fax)
wbickford@fellerssnider.com

John B. Heatly
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS-OKC
100 N. Broadway Ave, Suite 1700
Oklahoma City, OK 73102-8820
405-232-0621
405-232-9659 (fax)
Jheatly@fellerssnider.com

***Attorneys for Nominal Defendant
GMX Resources, Inc.***

s/Mack J. Morgan III